

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 23-CR-20623

-v

HON. JOHATHON J.C. GREY

D-1 MATTHEW RODRIGUEZ,

Defendant.

/

**EX PARTE MOTION FOR LEAVE TO FILE EXHIBIT
USING THE MEDIA FILE UPLOAD**

Now comes the undersigned, Assistant United States Attorney, Robert A. Moran, and pursuant to the Electronic Filing Policies and Procedures, seeks leave of this Court to file two exhibits via the electronic portal “Media File Upload” in CM/ECF.

The exhibits to the Government’s Sentencing Memorandum cannot be converted to a PDF format for the following reason: the exhibits are video format and consists of the surveillance video footage from the Warren Police Department fingerprint room and an officer’s body-worn camera video recorded on June 13, 2023. Specifically, the defendant was recorded using excessive force against a prisoner that he was processing for fingerprints. The videos depict the defendant’s

conduct that is the subject of his conviction and are relevant for the Court's consideration for sentencing.

Exhibit one is a video from the fingerprint room that is approximately two minutes and twenty-four seconds long and does not contain audio.

Exhibit two is a video from a Warren Police Officer's body-worn camera that is approximately one minute and twenty-one seconds long. The video has about 60 seconds of audio, including the officer's conversation with Rodriguez, and Rodriguez's statements to the victim. A transcript of the audio recording will be filed as an exhibit to the government's motion.

Defense counsel does not object to the submission of the videos to the Court in this manner. A timestamp reference to the relevant part of the media files will be provided within the government's sentencing memoranda.

For the foregoing reason, the undersigned respectfully requests that this Court grant the leave sought in this motion.

Respectfully submitted,

DAWN N. ISON
United States Attorney

s/ Robert A. Moran

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Date: August 28, 2024

CERTIFICATE OF SERVICE

I certify that on August 28, 2024, I electronically filed the foregoing document with the Clerk of the Court of the Eastern District of Michigan using the ECF system, which will send notification to all counsel of record.

s/ Robert A. Moran _____

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